

DBE News

Published by the Idaho Transportation Department

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Where in Idaho is this? See page 2

What is a DBE?

A DBE is a small, for-profit business concern that is at least 51% owned and controlled by socially and economically disadvantaged individuals. The US Department of Transportation's DBE Program is designed to foster equal opportunity for minority, female and disadvantaged business owners on federal-aid transportation projects, and for helping them improve their business efficiency and flexibility.

This monthly newsletter is published by the ITD's DBE Supportive Services as an informational and educational resource for DBEs, contractors, consultants and federal-aid agencies on EEO, procurement and business issues. If you'd like to receive this newsletter regularly, please contact us for a **free subscription**.

— **Liz Healas, Editor**



Back by Popular Demand: ITD Construction Contract Training!



*Presented by **Doug Chase**, Assistant Construction Engineer for ITD Contract Administration, along with **Ron Mackelprang** and **John Ingram**, these half-day workshops are the ultimate authority on ITD's Standard Specifications For Highway Construction and contract provisions.*

How well do you know your ITD construction contract? More importantly, how well do you **understand** it? What are your responsibilities? What are ITD's responsibilities?

If you bid or perform on ITD projects, attending this workshop is an absolute necessity! Attendees will become

(Continued on page 2)

Pending Changes to DBE Program?

What if ITD were to go to a race/gender-neutral program — in other words, stop setting project-specific goals on federal-aid projects? Do you have the flexibility to adapt?

DBEs, have you read the Executive Summary of ITD's **Draft Disparity Study**? (it can be found at www.itd.idaho.gov/civil/disparity.htm.) If you haven't taken a look at it yet, you really should take a moment, because this might directly affect your business.

Reintroduction of the DBE contract goals program is not recommended at this time because other strategies appear to better address the disadvantages facing minority- and women-owned firms in the Idaho transportation

(Continued on page 4)

Inside ... New DBEs ... February Training Events ... Legal Aid for Small Biz ... WPCM Training ... Busted! Tales from the OIG ... ISBDC Consultant is a Star ... EEO/AA Workshops ... Ignorance is NOT Bliss

DBE Supportive Services

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Office Location & Mailing Address:

3311 W. State Street, Room 300B / PO Box 7129, Boise, ID 83707

(Office Hours are 8am - Noon, 1pm - 5pm, Mountain Time)

Welcome New DBEs!

BlueRye Ecological Services

Marilyn K. Nielson, Proprietor

PO Box 722, Tekoa, WA 99033

Phone: (509) 284-2797

E-mail: marilyn@bluerye-ecological.com

Homepage: www.bluerye-ecological.com

Ecological Consulting: wetland delineation, botanical inventory, biological assessment, survey planning and implementation, mitigation planning and implementation, reclamation monitoring, threatened and endangered species surveys, EA/EIS preparation.

Fast Formliners, Inc.

Kevin L. Pangilinan, President

115 W. Flier, Suite 109, Pacific, MO 63069

Phone: (636) 271-6291

FAX: (636) 271-6297

E-mail: kevinpangilinan@sbcglobal.net

Homepage: www.fastformliners.com

Concrete formliner manufacturer

Preacher Steel

Lloyd Preacher, Sr., Proprietor

PO Box 1436, Blackfoot, ID 83221

Phone: (208) 785-3455 FAX: (208) 785-3455

E-mail: lloydpreacher@hotmail.com

Placement of iron, bridge, structural and reinforcing, ornamental, range fencing, chain link, small excavating.

(*SPEC TRAINING*, Continued from page 1)
familiar with ITD construction contracts, and learn about good contract administration practices.

Here's your chance to get expert explanation and interpretation of construction contract specifications straight from the source. Topics will include:

- Bidding Requirements & Conditions
- Award & Execution of Contract
- Scope of Work
- Control of Work & Materials

These half-day workshops will be held in three locations:

February 5, 1:00pm—5:00pm

ITD District 1, Coeur d'Alene

February 19, 1:00pm—5:00pm

ITD District 6, Rigby

March 7, 8:00am—Noon

ITD HQ East Annex, Boise

These free workshops are open to all contractors. Call DBE Supportive Services for a registration flier right away, or visit www.itd.idaho.gov/civil/pdf/contractadmin.pdf. ●

Clue for this month's "[Where in Idaho is this?](#)" (*front cover*). It's a little hard to miss this looming over the Camas Prairie. Go there for the museum, or a spiritual retreat ... not to mention their annual Raspberry Festival and Victorian Tea.



Answer to December Issue: [Craters of the Moon National Monument](#), US-20.

Events in February

| Mon | Tue | Wed | Thu | Fri | Sat |
|--|---|---|--|--|---|
| <p>Having problems finding the right kind of training? Contact DBE Supportive Services. We're very good at hunting things down!</p> | | | | <p>1 Federal Storm Water & Wetland Regs ISBDC Nampa (208) 426-1839 www.idahosbdc.org</p> <p>Idaho AGC Supervisory Trg Program: Managing the Project: The Supervisor's Role Boise (208) 344-2531 www.idahoagc.org</p> | 2 |
| 4 | <p>5 ITD Construction Contracts Coeur d'Alene (see cover story)</p> | 6 | <p>7 Federal Storm Water & Wetland Regs ISBDC Lewiston (208) 426-1839 www.idahosbdc.org</p> | 8 | <p>9 Growing your Biz with a Database-Driven E-mail Campaign Ontario BizCenter (541) 881-8822 ext. 407 or 281 http://common-spot.tvcc.cc/Academics/BizCenter</p> |
| <p>11 Basic Taxes for Small Biz & Home-Based Biz Spokane SRBC (509) 459-4118 www.bizstreetspokane.com</p> | <p>12 How to Properly Insure Your Biz ISU Workforce Trg Pocatello (contact info above)</p> | <p>13 QuickBooks for Construction Spokane SRBC (contact info left)</p> <p>Understanding Labor Law & How It Affects Your Biz Twin Falls ISBDC (208) 732-6455 www.csi.edu/support/ISBDC</p> | <p>14 ITD Water Pollution Control Manager Trg Nampa—Resource Planning Unlimited (208) 883-1806 / rpu@turbonet.com</p> <p>Biz Start-Up Pocatello ISBDC (208) 232-4921 www.idahosbdc.org</p> | 15 | <p>16 Idaho AGC Supervisory Trg Program: Productivity Improvement (contact info above)</p> |
| <p>18 President's Day State Holiday</p>  | <p>19 ITD Construction Contracts Rigby (see cover story)</p> | <p>20 Marketing Strategies for Small Biz Spokane SRBC (contact info above left)</p> <p>Growing Your Biz ISU Workforce Trg Pocatello (Contact info above left)</p> | 21 | 22 | 23 |
| 25 | <p>26 Outstanding Customer Service ISU Workforce Trg Pocatello (Contact info above)</p> <p>Selling to the Government! (Plus how to become certified as a DBE) — also known as the annual Lizapalooza. Includes the SBA, Idaho Division of Purchasing, and the Idaho Business Network. Twin Falls, Pocatello & Idaho Falls. Call or e-mail us for details, or watch your mailbox or our website for the flier.</p> | <p>27 Federal Storm Water & Wetland Regs ISBDC Idaho Falls (208) 426-1839 www.idahosbdc.org</p> | <p>28 Federal Storm Water & Wetland Regs ISBDC Pocatello (208) 426-1839 www.idahosbdc.org</p> | <p>29 Flagger Certification Ontario BizCenter (contact info above right)</p> <p>Idaho AGC Supervisory Trg Program: General & Specialty Contractor Dynamics (contact info above)</p> | |

Legal Aid for Small Biz

The Small Business Legal Clinic (SBLC) in the University of Idaho's College of Law is providing legal aid to businesses that are starting up, growing, redefining or just looking for ways to expand their bottom line.

The clinic's mission is to provide hands-on experience to third-year law students and help small businesses at a critical time in the start-up phase of their operations.

Client work is done by students under the close supervision of a faculty member with substantial experi-



The University of Idaho's Legal Clinical Programs offer other services, too, such as their **Tax Clinic** (where students defend taxpayers in disputes with the Internal Revenue Service).

ence in private law practice. No litigation or contested proceedings are handled.

Businesses that "graduate" from the clinic then use private law firms for ongoing legal services.

The SBLC operates in partnership with the Idaho Small Business Development Center at Boise State University.

For more information, visit www.law.uidaho.edu (choose "Clinical Programs" in the left-hand column.)

(CHANGES, Continued from page 1)

contracting industry. This should not imply an end to ITD's efforts to build a successful minority and female contracting community. It does mean a new direction for ITD's implementation of the Federal DBE Program that will require time and resources to be successful.

Last month, the final report and recommendations were finalized and published. This month, ITD's EEO staff will begin working with one or more work groups made up of ITD staff, AGC members and DBE companies to go through the recommendations and decide which ones make the most sense to implement.


Then they will be working on the actual process of getting approval for the changes and the final implementation. This process is will probably take several more months.

So what should you do in the meantime? Well, first you'll want to watch this newsletter for regular updates.

And then you start thinking of how this affects you.

In the event that that ITD *does* discontinue setting project-specific DBE goals, how will your business be affected? Have you been dependent on getting work on ITD federal-aid projects with goals? What kind of relationship do you have with prime contractors regularly bidding on ITD projects?

And then you start strategizing.

How can you strengthen your business to adjust to this change? Will you be amping up your marketing activities? Have you requested a \$500 marketing grant from DBE Supportive Services? 

Are you going to pursue management

(Continued on page 5)

DBE Offers WPCM Training & Certification

ITD Water Pollution Control Manager Certification: it's required on all new ITD projects. This is a result of the 2006 Consent Decree between the US Government and ITD.

Because of it, all general contractors are now required to provide a Water Pollution Control Manager (WPCM) on every project to perform weekly inspections. And this 2-day ITD-approved certification course satisfies those WPCM training requirements!

The course fee is \$300 per person, which includes 2 days of instruction, all course materials and refreshments (meals on your own).



The workshops will be presented by **Shelly Gilmore of Resource Planning Unlimited, Inc.**, a Moscow-based DBE. Shelly is a Certified Professional in Erosion and Sediment Control and an ITD-approved instructor. Check out her website at <http://RPU.Palouse.net>.


Certification will be awarded upon successful completion of the course and open-book exam. Be prepared for on-site construction conditions on Day 2.

Spring 2008 Dates and Locations (All classes run from 8:00 AM to 5:00 PM both days):


February 14 & 15—Nampa
March 6 & 7—Idaho Falls
March 27 & 28—Worley

For a registration form, contact Resource Planning Unlimited or DBE Supportive Services – we'd be happy to forward it to you. And remember, pre-registration is required seven days prior to the session!

(CHANGES, Continued from page 4)

training which will help you run your staff, projects and finances with greater efficiency and effectiveness? Have you requested a \$1,000 training grant from DBE Supportive Services? 

Have you thought about expanding into new areas of expertise in order to make your business more versatile and flexible? Or perhaps venturing into bidding on smaller contracts as a prime contractor rather than subcontractor?

As you're thinking about these issues, give some thought, too, about how DBE Supportive Services can help you achieve your goals. 

DBE Renewals due Next Month!

No Change Affidavits

This quick and easy form is for DBEs who either were initially certified — or completed their last full three-year renewal — since 2005.

If **no** changes have happened since your last certification or renewal that would affect your firm's eligibility for the program, just fill out the form, sign it, and have it notarized.

HOWEVER: If you **have had** changes since your last certification or three-year renewal that would affect your ability to meet all DBE eligibility requirements — ones that you have not already alerted DBE Supportive Services about — you must attach an explanation of the changes, along with all supportive documentation.

DBE Supportive Services will analyze what effect, if any, these changes have on your certification eligibility.

(Continued on page 8)

Busted! Tales from the OIG

Co-Owner of New York Construction Company Sentenced to 6 Months Home Confinement and Ordered to Forfeit \$990,000 to the City of New York

On October 26, 2007, Charles Ostuni, Co-Owner of Mohawk Milling and Sweeping, Inc., was sentenced to six months home confinement, 4 years probation, and ordered to forfeit \$990,000 to the City of New York on charges of money laundering conspiracy stemming from the bribery of a New York City-contracted roadway construction inspector on a \$16 million roadway milling contract.

The investigation established that from 2002 to 2003, Mr. Ostuni, and other defendants conspired to bribe the road-



No loophole here! The Office of the Inspector General totally nailed them.

way construction inspector with approximately \$25,000 in exchange for allowing them to over bill the City of New York approximately \$1.4 million for more truck loads of material than were actually removed from the roadway milling job site.

To date, the roadway inspector and two other defendants involved in the scheme have pled guilty and more than \$1.2 million has been ordered forfeited. The Federal Highway Administration (FHWA) suspended Mr. Ostuni and Mohawk Milling.

Pocatello ISBDC Consultant is a Star!

Tom Maydew, an Associate Business Consultant in the Idaho Small Business Development Center (ISBDC)'s Pocatello office, received the **Idaho Star Performer Award** at the annual Association of Small Business Development Center's conference in September.



Tom Maydew

for over 6 years and has provided consistent high quality consulting to the businesses in the Pocatello region.

(If you're in the area, stop and congratulate Tom. The Pocatello office is located up on the hill at 1651 Alvin Ricken Drive.)

Tom has been with the ISBDC

The ISBDCs offer a great range of free or low-cost counseling and training to small businesses. Whether you're thinking of starting a business or are seeking help with growing or improving your business, the ISBDC staff can help you. Offices are located throughout the state in Post Falls, Lewiston, Boise, Twin Falls, Pocatello and Idaho Falls. Would you like to know more? Visit the ISBDC website at www.idahosbdc.org.

US Department of Transportation & US Department of Labor EEO/Affirmative Action Requirements

**Ready for your
EEO Contract
Compliance
Review in 2008?**

Construction Season is fast approaching — you can't afford to miss these workshops!

In order to assist companies who are required to fulfill civil rights requirements on federal-aid contracts/subcontracts in the amount of \$10,000 or more, **the Idaho Transportation**

Department's EEO Office will be sponsoring training sessions at three locations in February and March.

The training sessions are provided **FREE OF CHARGE**, and will cover information regarding US Department of Labor and US Department of Transportation EEO, Affirmative Action and Veteran requirements on federal-aid projects. In those areas where it is applicable, information on Tribal Employment Rights will be provided. Information will also be presented on the services provided by the Community Council of Idaho and other organizations within the local area of the training.

This year's sessions will split into two segments:

Construction Companies from 8:00am to Noon

Consultant Companies from 1:00pm –5:00pm

Coeur d'Alene

February 7

8:00 am to 5:00 pm

ITD, District 1

600 W. Prairie



Boise

March 6

8:00 am to 5:00 pm

ITD, District 3

8150 Chinden



Pocatello

February 21

8:00 am to 5:00 pm

ITD District 5

151 South 5th



To register or for more information about the workshops, please contact **Julie Caldwell** at (208) 334-8458 / julie.caldwell@itd.idaho.gov or **Debby McCarthy** / debby.mccarthy@itd.idaho.gov at (208) 334-4442. To download the registration flier, visit www.itd.idaho.gov/civil/external.htm.

2008 Safety Fest of the Great Northwest

January 14—17, Boise



- *Affordable Safety & Health Training Event for the education of the Northwestern Region's front line workers, supervisors and managers of all levels*
- *Designed to reduce hazards presently causing fatalities, injuries and illnesses*
- *Emphasizes construction, general industry & mine safety and health*
- *Classes in Spanish*

Hosts: Washington Group International; Occupational Safety and Health Administration (OSHA); Idaho AGC; State of Idaho, Division of Professional Technical Education

Who's Invited to attend: Contractors, small and large; Idaho VoTech Educators, any business required to follow OSHA standards; Anyone who desires to improve the safety performance of their business.

Trade Show: Will be held on Monday & Tuesday, January 14th & 15th. 50 booths will be available at \$100 per booth.

Cost: \$0.00 – all sessions are free

Registration: To register on-line go to: www.wgint.com/conference/safetyfest_08



Did you know that the Idaho Department of Commerce & Labor's **Idaho Business Network** offers

Bid Matching as a free service to all Idaho firms who elect to receive bid match notices via e-mail? The IBN offers plenty of other services to Idaho businesses, too. To sign up, visit www.idahoworks.com and choose "Gov't Contracting."

Last Chance to make a One-On-One Bonding Appointment

January 16, 17 & 18

Coeur d'Alene, Boise, Pocatello

Difficulty in getting bonded? Get free hands-on help from a surety agent! Visit www.itd.idaho.gov/civil/pdf/bonding.pdf to download the brochure. But act fast — time is limited, and we will cancel any locations with no prior appointments.



Wondering what type of **EEO- and Labor-Related posters** you're required to post in the workplace? Visit the US

Department of Labor's website at www.dol.gov/osbp/sbrefa/poster. You can even download the posters from this page! (Remember: **NEVER** pay for government posters. They are always available for free.)

Ignorance is Not Bliss for a Contractor

Seeking ongoing feedback on your contract performance

You're an ace at marketing. You can provide a quote or deliver a proposal like no one's business. You know how to close the deal. So you've landed the contract, and you think you're doing a great job on it. You finish the job. And?

And the contracting agency or company is not interested in doing business with you again. What happened?

What's likely is the contracting officer or project manager had a completely different take on your performance. It might have been something as minor as you not filling out the invoicing statements correctly, or more substantial misunderstandings that you were completely unaware of.

The patient is kind of dead at this point (although a post-mortem can be useful for you in future situations with other

agencies or companies). What you need to concentrate on is how to be more proactive in the future.

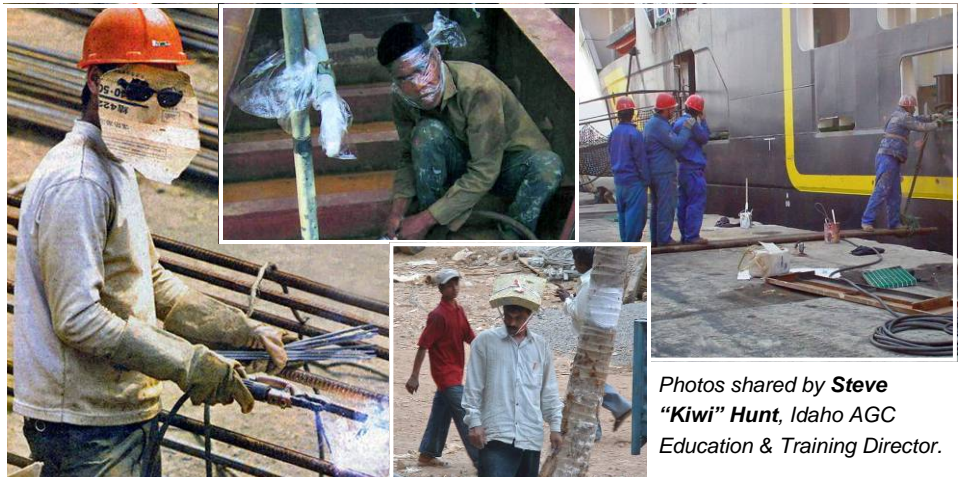
Consider conducting regular informal performance assessments with the contracting officer/project manager to get feedback.

This not only gives you an excellent opportunity to correct glitches, mix-ups or misinterpretations, it also makes the contracting officer/project manager more comfortable in bringing up problems or offering constructive criticism.

Consider conducting a sort of "exit interview", too, where you can tie up any loose ends and wind up the contract or agreement with a flurry of good will and fellowship all round (applicable towards future purchases!). And this takes you back to the beginning: marketing.

Great Moments in Workplace Safety

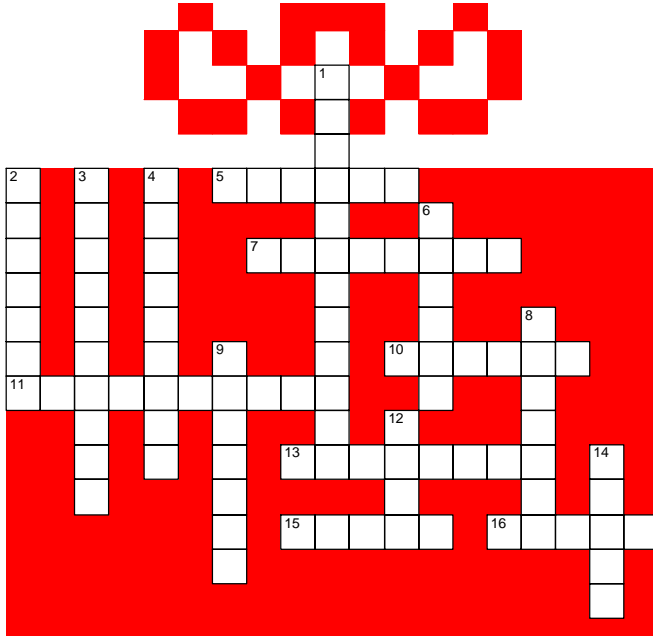
Examples of the "Can-Do Spirit" you find in foreign countries unhampered by regulatory agencies. Head protection! Scaffolding safety! Eye protection! (Kids, don't try this at home.)



Photos shared by **Steve "Kiwi" Hunt**, Idaho AGC Education & Training Director.

January Crossword

Remember! The first subscriber that submits complete and correct answers to the Crossword wins a sweet prize.



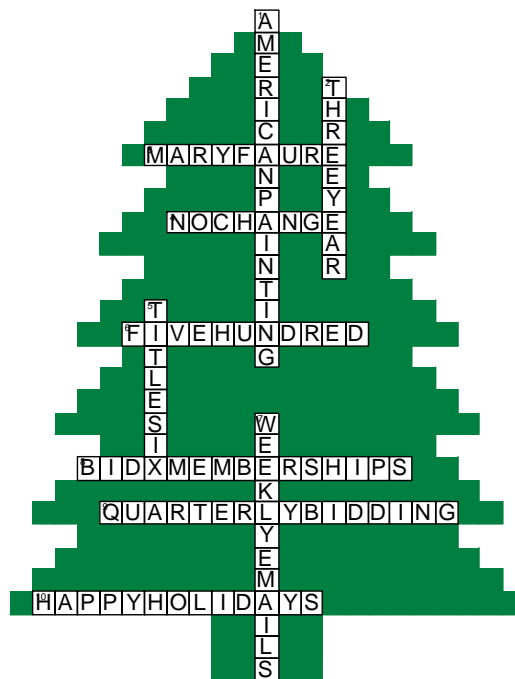
Down

1. Pangilinan
2. approved certifier
3. goods & services section
4. yearly deadline
6. Idaho star
8. mitigation planner
9. last chance appointment
12. baron
14. historical downtown building

By
Debby McCarthy

Across

5. suspended owner
7. ITD's specifications
10. non-ITD listing e-mails
11. pictured president
13. bridge Steel
15. renewal year
16. Small Business Clinic



December
Crossword Key

(RENEWALS , Continued from page 5)

Three-Year Certification Renewals

These are for firms whose last full certification or three-year certification renewal was in 2005. The certification renewal application asks for updates on everything from ownership to Personal Net Worth.

There will be a checklist attached of the documents that are necessary to send in with the application. Be sure that all items are included before mailing in the packet to us.

After we receive your signed and notarized affidavits or certification renewal applications (with all needed attachments), you will receive a certification letter and certificate for Calendar Year 2008.

All "No Change" affidavits and certification renewal applications are due February 15, 2008

Anyone who fails to provide their affidavit or certification renewal application in a timely manner "will be deemed to have failed to cooperate" according to DBE regulations, which may result in removal of certification.

DBEs who have had their certifications removed will be required to undergo the full application process again should they wish to have their certification restored.

In the meantime, they will not be counted as certified DBEs in the State of Idaho.

In other words, it's really important that you submit these forms by the February 15 deadline, or arrange for an extension.

If you have any questions about your "No Change" Affidavit or three-year certification renewal application, call DBE Supportive Services at (208) 334-4442, or toll-free at (800) 634-7790.

Not all of ITD's projects open for bid are directly highway-related. Check out www.itd.idaho.gov/business/business.htm (**Bid & Contract Information—ITD Goods & Services**)

for bid openings on maintenance buildings, rest areas, sand sheds, mowing, and other services posted by ITD's Purchasing Section. And here's the great part: these notices now are hyperlinked to their plans and specifications!

Don't See Any DBE Goals On ITD Projects?

That's because we *aren't* setting individual DBE project goals at this time!

As we discussed in past issues of [The DBE News](#), a 2005 Ninth Circuit Court of Appeals decision (*Western States Paving Co. v. State of Washington Dept. of Transportation*) has prompted all states affected by this ruling to pursue their DBE goals through race/gender-neutral means until they have the results of a disparity study. Keep watching this newsletter for further developments.

Looking for the Non-ITD Projects Listings?

They're only available to our DBEs through **weekly e-mails**. (Much faster & more timely!) If you're a DBE and would like to receive these, please contact us so we can add you to our distribution list.

ITD HIGHWAY CONSTRUCTION PROJECTS

For the quickest, most complete notification of these projects as they are put out for bid, visit ITD's [Contractor Information Page](#) at www.itd.idaho.gov/design/contractors/contrinfo.htm

This excellent resource features *Notice to Contractors*, which alerts you to all upcoming federal-aid and state highway construction projects let through ITD, and list specific details and quantities, the names of resident engineers, and a brief description of the work to be performed.

Also included is: *Quarterly Bidding*

Forecast, Planholder Lists (updated daily), *Bid Result and Bid Abstract Information*, and *Contract Award Information*. This information is **FREE** online.

However, if you don't have Internet access, you can also subscribe to ITD's [Notice To Contractors](#) by calling (208) 334-8430 (1-800-732-2098 within Idaho). There's an annual \$35 fee to cover postage fees.

Please note: this will be the last year [Notice to Contractors](#) will be mailed. Starting in 2008, they will be **online only**.



Gooding, Main Street, c.1910.

Free Non-Bidder's Plans & Specs For DBEs

Idaho-Certified DBEs: remember to call DBE Supportive Services at (208) 334-4442 for *free* non-bidder's ITD Plans & Specifications if interested in bidding as a subcontractor. Limit of ONE set of plans per project per DBE firm. A DBE Non-Bidders Plan Holders list can be found at www.itd.idaho.gov/civil/planholders.htm



Project-Related Questions?

| | | |
|------------|---------------|----------------|
| District 1 | Coeur d'Alene | (208) 772-1200 |
| District 2 | Lewiston | (208) 799-5090 |
| District 3 | Boise | (208) 334-8300 |
| District 4 | Shoshone | (208) 886-7800 |
| District 5 | Pocatello | (208) 239-3300 |
| District 6 | Rigby | (208) 745-7781 |

Our congratulations to **Dave Aspitarte**, president of **Bionomics Environmental, Inc.** on his newly-completed office building in Eagle. Dave: you're a property baron now! Also to **Barbara Perry Bauer** and **Elizabeth Jacox** of **TAG Historical Research & Consulting** for their swank new office space in the (historical, of course) Idaho Building in downtown Boise.

To see our complete **DBE Directory**, visit on-line at **www.itd.idaho.gov/civil/dbeforams.htm**. This listing is updated to our website on the first workday of every month. Hard copy versions of the directory, updated each quarter, are also available by request.

ITD & TITLE VI

The Idaho Transportation Department (ITD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. ITD assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ITD service, program, or activity. The department also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

Idaho Transportation Department
EEO Office—DBE Supportive Services
PO Box 7129
Boise, ID 83707-1129

First Class Mail
US Postage Paid
Boise, Idaho
Permit No. 143

We're on the Web! Visit us at **www.itd.idaho.gov/civil/dbeforams.htm** for a 12-month archive.